
From: Michael D. Murphy
Sent: Thursday, December 26, 2024 9:43 PM
To: Beral, Arash; Kenneth Hsu
Cc: Ayesha Rector; Chary Weis; Malynn, Todd M.; Sandoval, Victor
Subject: RE: Request to Meet and Confer

Arash:

What “just transpired”? What are you talking about? You mean that we filed a Motion for an OSC re contempt because your client and his franchisees continue using Potato Corner trademarks the Court ordered them to cease using? What “just transpired” is called lawyering. On behalf of a client whose marks continue to be harmed by your clients’ use, without a license and in violation now of Court orders.

Our Motion is not only well taken, Guy Koren and PCJV’s repudiation of the Court’s authority and orders is about as textbook a case of contempt as I have ever seen. The only real debate is whether this is better suited for criminal contempt. I believe either would work, but we opted to try coercion, one more time.

Given that this Motion is proper, and should prevail, what is the basis for striking our Motion? You cannot give ex parte notice without providing grounds. Please specify the specific violation on which your demand to strike our motion is based, along with a federal authority supporting any request to strike our motion, that can be applied to these facts. Without that information, your notice does not satisfy the local rules or those of Judge Blumenfeld and is therefore defective.

Whatever your objection is, the judge has already warned you about your overuse of the ex parte procedure. I note that in your notice, you went out of your way to point out that you are timing your ex parte so it would make us work over the holiday weekend. Clearly that is your goal. There is no reason it cannot wait until next week. We all know this.

Save your arguments for an opposition. You could even write your opposition this weekend and we could write our reply and just have the motion heard sooner. We will stipulate to that shortened briefing schedule.

You really should be focused on getting your clients to stop using our clients marks, as the Court ordered, now, more than six weeks ago.

Best,

Michael D. Murphy

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From: Beral, Arash <arash.beral@blankrome.com>

Sent: Thursday, December 26, 2024 9:20 PM

To: Kenneth Hsu <khsu@ecjlaw.com>; Michael D. Murphy <mmurphy@ecjlaw.com>

Cc: Ayesha Rector <arector@ecjlaw.com>; Chary Weis <cweis@ecjlaw.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>; Sandoval, Victor <Victor.Sandoval@BlankRome.com>

Subject: RE: Request to Meet and Confer

Kenny and Mike,

Sad to see what just transpired this evening. You've forced us to request relief with the Court on an *ex parte* basis. We will be seeking to strike the Motion you filed tonight or, in the alternative, continue it for 2 weeks. I am required to inform you that any opposing papers are to be filed no later than 48 hours following service or by 3:00 p.m. on the first court day after service, whichever is later. Please further note: "The opposing party should advise the CRD as soon as possible whether it intends to oppose the *ex parte* application."

Arash

Arash Beral | BLANKROME

2029 Century Park East | Los Angeles, CA 90067

[Arash Beral | Blank Rome LLP](#)

From: Beral, Arash

Sent: Saturday, December 21, 2024 8:27 AM

To: Kenneth Hsu <khsu@ecjlaw.com>; Michael D. Murphy <mmurphy@ecjlaw.com>

Cc: Ayesha Rector <arector@ecjlaw.com>; Chary Weis <cweis@ecjlaw.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>; Sandoval, Victor <Victor.Sandoval@BlankRome.com>

Subject: Re: Request to Meet and Confer

Kenny,

We did not see a motion from you guys last night. We presume you're not filing one, certainly not one set for hearing at this point on January 24.

Arash

On Dec 20, 2024, at 8:03 PM, Beral, Arash <arash.beral@blankrome.com> wrote:

Kenny,

We've been busy with filings and I haven't yet received an answer on the waivers. I will follow up. Rest assured for now that we will select January 24 for our MTD in reliance on your email that "SPAVI will agree to set a hearing date of January 24." As well, quickly, I'll note that my memory of our meet and confer is different than yours. You also make a comment about "as Mr. Murphy

mentioned in separate correspondence, if Defendants produce Ms. Grudnowsky ...” – what “separate correspondence” was that? Please send it to me as I don’t recall Mr. Murphy ever asking for depositions. On that note, my comment to your office (“Ask any questions you wish, and I will address them. If you don’t want to trust what I’m telling you, then take some depositions. Do discovery. I have told you multiple times now that this effort at changing names **will** be done.”) was intended to *avoid* motion practice, not to *append* to motion practice. You’re saying below that you want to file a motion *and* do depositions; that was not what I “offered in separate correspondence.” That does not mean we won’t give you depositions on proper subject matters relating to Defendants’ efforts at changing names, and the like, subject to all deponents’ and our availabilities; it just means that it is not what I offered (as your email mistakenly suggests). Again, my offer was part of our required meet and confer to discuss these subjects, avoid motion practice, and to persuade you and your client that changing names will get done so that we don’t have to burden each other or the Court with unnecessary law and motion.

Thanks.

Arash

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From: Kenneth Hsu <khsu@ecjlaw.com>

Sent: Friday, December 20, 2024 5:34 PM

To: Beral, Arash <arash.beral@blankrome.com>; Michael D. Murphy <mmurphy@ecjlaw.com>

Cc: Ayesha Rector <arector@ecjlaw.com>; Chary Weis <cweis@ecjlaw.com>; Malynn, Todd M. <Todd.Malynn@BlankRome.com>; Sandoval, Victor <Victor.Sandoval@BlankRome.com>

Subject: RE: Request to Meet and Confer

Arash, Todd,

Just following up on the attached Waivers of Service of Summons. Please execute and return these as soon as practicable or otherwise advise if you are not representing Defendants GK Cerritos, LLC and HLK Milpitas, LLC.

Thanks,
Kenny

Kenneth P. Hsu, Esq.

Partner

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